

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: OCTOBER 7, 2009****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VAC-35193 - VACATION - PUBLIC HEARING - APPLICANT: A CAB TAXI CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC - Petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 feet west of Bruce Street, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

**PROTESTS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****54****City Council Meeting****1****RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Support Postcard
6. Backup referenced from the September 10, 2009 Planning Commission Meeting Item 19

Motion made by RICKI Y. BARLOW to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

ATTORNEY BILL CURRAN, Ballard Spahr, 100 City Parkway, appeared on behalf of the applicant. He pointed out that the applicant has operated the A Cab Taxi Company without any problems. Due to new development and eminent domain, he was forced to find another location with appropriate zoning. The reason for the Vacation is to allow for street alignment on the north side and avoid potential dangerous traffic situations. Although the Code requires a

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sidewalk, he noted that the Planning Commission supported having landscaping rather than a sidewalk that leads to nowhere.

ATTORNEY CURRAN indicated that the applicant has worked with the residents and business owners, and a support petition was previously submitted to staff. He believed the one protest was due to a misunderstanding, as there was a language barrier in speaking with that individual. The area has experienced loitering and vagrants, so the residents believe that this type of 24-hour use will help get rid of these negative elements.

TODD FARLOW and ANTHONY HODGES complimented the applicant on a nice site plan, and they hope that the applicant will maintain the site, as there were previous issues with taxi cab companies having staging areas.

COUNCILMAN BARLOW inquired about the structures on site, drainage elevation and fencing. MARGO WHEELER, Director of Planning and Development, indicated that there is a condition requiring the applicant to obtain building permits for any structure on site. BART ANDERSON, Public Works, added that Condition 22 addresses the drainage elevation, and it is worded specifically to address buildings closest to the street. ATTORNEY CURRAN explained that the intent is to put in new fencing on both sides. On the west side, there is commercial development, and the owner is in agreement to leave the existing traditional fence intact.

MS. WHEELER explained that barbed wire is only allowed with specific approval by Council. What is currently on site is not in compliance with the Code. ATTORNEY CURRAN explained that the applicant experienced some negative activity in the past and felt the barbed wire would alleviate such activity. COUNCILMAN BARLOW was certain the negative activity would decrease by having this 24-hour business. He also supported the added condition read by MS. WHEELER requiring the barbed wire, not the fence, to be removed.

Regarding the landscaping, ATTORNEY CURRAN showed the site plan, and he was in agreement with COUNCILMAN BARLOW'S request to add a full curb, gutter and sidewalk on the south side of the property. MR. ANDERSON confirmed for the Councilman that there are some existing streetlights in the area.

MR. ANDERSON also requested Conditions 2, 8 and 23 be deleted. Condition 23 was replaced with Condition 22.

ATTORNEY CURRAN explained that upon his client learning of his err in not having the proper building permit, he ceased the business. In rebuttal, COUNCILMAN BARLOW stated the applicant has been in business for a long time and is not ignorant of the law.

MAYOR PRO TEM REESE declared the Public Hearing closed.